IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION Nos : 5648, 11147, 11416, 12465, 12519, 12858, 13204 AND 7244 OF 1998.

(1) W.P.No.5648 of 1998

Between:

1. Sri Y.Ram Prashada Rao, S/o Rama Rao

aged 43 years, Occ.Skilled Employee

R/o T.C.P.C., A.P.V.C.C.,

Bakannapalem, P.M.Palem (Post)

Visakhapatnam District.

2. Sri Y.Chakradhara Rao, S/o Veeraju

aged 44 years, Occ: Skilled Employee

R/o 8-16-3, Red Cross Street, Gandhinagar,

Kakinada, East Godavari District.

3. Sri Y.Ch.Mohan Rao, S/o Late Prakash Rao

Aged 41 years, Occ. Skilled employee

R/o T.C.P.C., A.P.V.C.C.,

Gajapathinagaram, Vizianagaram District.

4. Sri N.Simhadri, S/o Papayya

aged 37 years, Occ: Skilled employee

R/o T.C.P.C., A.P.V.C.C.,

Gajapathinagaram, Vizianagaram District.

5. Sri M.Jagadiswara Rao S/o Ram Narasimham

aged 36 years, Occ: Skilled employee

R/o T.C.P.C., A.P.V.C.C.,

Gajapathinagaram, Vizianagaram District.

6. Sri G.Ram Murthy, S/o Chandrudu

aged 40 years, Occ: Skilled employee

R/o T.C.P.C., A.P.V.C.C.,

Bakannapalem, P.M.Palem (Post)

Visakhapatnam District.

…PETITIONERS.

And

1. The Principal Secretary,

The Women and Child Welfare Department,

Secretariat, Buildings, Hyderabad.

2. The Managing Director

A.P.Vikalangula Co-operative Corporation

B.R.K.R.Bhavan(Ground Floor)

Secretariat Road, Hyderabad.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 2nd respondent proceedings/NoticeNo.APVCC/Retrenchment/98/D-807, 804,822, 820, 782, 784

issued to the petitioners respectively, dated: 2-2-1998 proposing to retrench the services with effect from 2-5-1998, in pursuance of G.O.Ms.No.9, dated: 29-1-1998 of the 1st respondent as arbitrary, illegal, null and void and set aside the same and to issue a consequential direction to continue the petitioners in the 2nd respondent organization.

Counsel for the Petitioner: Mr.Venkateswara Rao Gudapati.

Counsel for the Respondent No.1: G.P.for Women Development & Child Welfare.

Counsel for Respondent No.2: Mr.K.Ramanujachari.

(2) W.P.NO : 11147 of 1998

Between:

The Andhra Pradesh Vikalangula Cooperative Corporation Employees and Workers Union rep. by its President S.N. Chari, B.R.K.R. Building, Ground Floor, Secretariat Road, Hyderabad.

..... PETITIONER

AND

1. The Government of Andhra Pradesh rep. by its Secretary to Government, Women's Development and Child Welfare (WH) Department, Secretariat, Hyderabad.

2. The Andhra Pradesh Vikalangula Cooperative Corporation rep. by its Managing Director B.R.K.R. Building, Ground Floor, Secretariat Road, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of a writ of Mandamus declaring the G.O.Ms.N.9 Women Development and Child Welfare (WH) Department dated 29.1.1998 of the 1st respondent as arbitrary, illegal, without jurisdiction, in violation of Articles 14, 16, 21, 300A and in violation of the provisions of Andhra Pradesh Cooperative Societies Act and the Rules and to issue a consequential direction to the respondents not to terminate the employees working under the control of the 2nd respondent.

Counsel for the Petitioner: MR.SUBBA RAO KORRAPATI

Counsel for Respondent No.1: The Govt. Pleader for Women Development and Child Welfare

Counsel for Respondent No.2: MR.K.RAMANUJA CHARI

(3) W.P.NO : 11416 of 1998

Between:

1. K. Simhachalam, S/o. Appala Swamy, Helper, Skilled, Artificial Limb Manfacturing Unit, Visakhapatnam.

2. V. Prabhakar Rao, S/o. Sankara Rao, skilled (Assistant) Helper, A.L.M.U., Visakhapatnam.

3. V. Sankara Rao, S/o. Varahalachari, Supervisor, A.L.M.U., Visakhapatnam.

4. V.V.V. Satyanarayana Murthy, S/o. Kalidas, Non-Technical Helper, A.L.M.U., Visakhapatnam.

5. T. Rajulu, S/o. Guruvulu, Non-Technical Helper, A.L.M.U., Visakhapatnam.

6. K. Subba Rao, S/o. Sanyasi Rao, Technical Helper, Working as Junior Assistant, A.L.M.U., Visakhapatnam.

7. A. Narasing Rao, S/o. Narasimha Rao, attender, A.L.M.U., Visakhapatnam.

8. G. Subba Lakshmi W/o. Late Venkanna, Sweeper, A.L.M.U., Visakhapatnam.

9. D. Latha, D/o. Jagannadha Rao, Junior assistant, A.L.M.U., Visakhapatnam.

10. K. Suryanarayana, S/o. Laxminarayana, Non-Technical Helper, A.L.M.U., Visakhapatnam.

11. M. Arjuna Raju, S/o. Rama Raju, Helper, Technical, Tricycle Unit, T.C.P.C., Bakkannapalem Visakhapatnam.

12. P. Gurayya, S/o. Ramaiah, Technical Helper, T.C.P.C., Visakhapatnam.

13. T. Kumara Wamy, S/o. Appala Swamy, Technical Helper, T.C.P.C., Visakhapatnam.

14. I. Abhaddam, S/o. Sanyasi, Skilled Welder, T.C.P.C., Visakhapatnam.

15. N. Mohana Rao, S/o. Janardhana, Skilled Painter, T.C.P.C., Visakhapatnam.

16. V. Srirama Murthy, S/o. Suryanarayana, Technical Helper, T.C.P.C., Visakhapatnam.

17. Ch. Bhaskara Rao, S/o. Rama Murthy, Skilled Fitter, (Helper Technical), T.C.P.C., Bakkannapalem Visakhapatnam.

18. P.V. Ramana Murthy, S/o. Thaviti Naidu, Skilled Painter, T.C.P.C., Bakkannapalem Visakhapatnam.

19. S. Devanandam, S/o. George, Carpenter, T.C.P.C., Bakkannapalem Visakhapatnam.

20. P. Appala Naidu, S/o. Suri, Helper, T.C.P.C., Visakhapatnam.

21. P. Srinivasa Rao, S/o. Govind, Helper, T.C.P.C., Visakhapatnam.

22. A. Baleseshkumar, S/o. Ramalingeswara Swamy, Helper, T.C.P.C., Visakhapatnam.

23. K. Sreeramachandra Murthy, S/o. Narayana Murthy, Helper, T.C.P.C., Visakhapatnam.

24. K. Appala Reddy, S/o. Ramu Naidu, Helper, T.C.P.C., Visakhapatnam.

25. Ch. Ramu, S/o. Ramalingamu, Tradle Operator, T.C.P.C., Visakhapatnam.

26. P. Ratnamanikyam, W/o. Y. Vijayarathnam, Production Manager, T.C.P.C., Bakkannapalem Visakhapatnam.

27. S.V. Ramana, S/o. Ganga Raju, Store Keeper, T.C.P.C., Bakkannapalem Visakhapatnam.

28. S. Venkayamma, W/o. Somulu, Cook, T.C.P.C., Bakkannapalem Visakhapatnam.

29. K. Srinivasa Rao, S/o. Sanyasi Rao, Driver, P.T.P.C., Visakhapatnam.

30. P. Govind, S/o. Subramanyam, Attender, T.C.P.C., Visakhapatnam.

31. G.V.S. Sai Prasad, S/o. Krishna Murthy, Jr. Assistant,

O/o. District Manager, APVCC, Visakhapatnam.

32. L. Guru Murthy, S/o. Yenda Rao, Helper, O/o. District Manager, APVCC, Visakhapatnam.

33. V. Krishna Murthy, S/o. Rayudu, Junior Assistant, T.C.P.C., Etcherla, Srikakulam District.

34. P. Rajubabu, S/o. Chinna Yellayya, Helper, T.C.P.C., Etcherla, Srikakulam District.

35. Sudarsan Patnaik, S/o. R.R. Patnaik, Store Keeper, T.C.P.C., Etcherla, Srikakulam District.

36. R. Suryanarayana Raju, S/o. Vijayarama Raju, Project Officer, T.C.P.C., APVCC, Kakinada.

37. V.B. Rajamanna, S/o. Devanandam, Placement Officer, T.C.P.C., APVCC, Kakinada.

38. P. Koteswara Rao, S/o. Venkateswarlu, Helper, technical, T.C.P.C., APVCC, Kakinada.

39. K.V.V. Subrahmanyam, S/o. Venkanna, Helper, Technical, T.C.P.C., APVCC, Kakinada.

40. G. Babu Rao, S/o. Bapi Raju, Compositor, T.C.P.C., APVCC, Kakinada.

41. S. Erukulu, S/o. Appanna, Cane Weaving, T.C.P.C., APVCC, Kakinada.

42. D.V.S. Nagabhushan Rao, S/o. Adiyya, Junior Assistant, T.C.P.C., APVCC, Kakinada.

43. Y. Sriramachandra Murthy, S/o. Viswanadham, Junior, Assistant, T.C.P.C., APVCC, Kakinada.

44. B. Laxmanudu, S/o. Venkataratnam, Store Keeper, T.C.P.C., APVCC, Kakinada.

45. V. Gopala Rao, S/o. Yella Rao, Attender, T.C.P.C., APVCC, Kakinada.

46. Y. Hanumantha Reddy, S/o. Vemulu Reddy, Production Manager, T.C.P.C., APVCC, Ananthapur.

47. P. Mangapathi, S/o. Sriramamurthy, Helper, Technical, T.C.P.C., APVCC, Ananthapur.

48. V. Kotharayudu, S/o. V.C. Kotharayudu, Helper, Technical, T.C.P.C., APVCC, Ananthapur.

49. S. Ramesh Babu, S/o. Govindappa, Helper, T.C.P.C., APVCC, Ananthapur.

50. G. Venkata Reddy, S/o. Narayanareddy, Jurinior Assistant, T.C.P.C., APVCC, Ananthapur.

51. B. Ankalamma, D/o. Nallappa, Scavenger, T.C.P.C., APVCC, Ananthapur.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh rep. by its Secretary, Women's Development and Child Welfare (WH) Department, Secretariat, Hyderabad.

2. The Andhra Pradesh Vikalangula Cooperative Corporation rep. by its Managing Director Venkataramana Apartments, Masab Tank, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly in the nature of a writ of Mandamus declaring the G.O.Ms.No.9 Women's Development and Child Welfare (WH) Department dated 29.1.1998 as arbitrary illegal, unjust and violative of the Fundamental Rights of the petitioners guaranteed under Articles 14, 16 and 21 of the Constitution of India and set aside the same.

Counsel for the Petitioner: Mr. C.V. Mohan Reddy

Counsel for Respondent No.1: The Govt. Pleader for Women's Development and Child Welfare

Counsel for Respondent No.2: MR.K.RAMANUJA CHARI

(4) W.P.NO : 12465 of 1998

Between:

K. Siva Reddy, S/o. K. Nagi Reddy

R/o. Ananthapur, Ananthapur District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh rep. by its Secretary to Government, Women's Development and Child Welfare (WH) Department, Secretariat, Hyderabad.

2. The Commissioner of Labour, A.P., Chikkadpally, Hyderabad.

3. The Managing Director, Andhra Pradesh Vikalangula Cooperative Corporation Hyderabad.

4. The Director of Welfare of Handicapped, Hyderabad.

5. The District Manager, A.P. Vikalangula Cooperative Corporation, Ananthapur.

6. Project Officer, Training-cum-Production Centre, Ananthapur, Ananthapur District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction especially one in the nature of a writ of Mandamus declaring that G.O.Ms.No.9 dated 29.1.1998 as illegal and further declare that Procds. Of the Commissioner of Labour in E2/3461/98, dated 2-4-1998 are without power and authority and are also illegal and further declare that petitioner is entitled to be continued in service so long as Corporation is continued and termination/retrenchment of petitioner's services as illegal arbitrary and violative of Articles 14 and 16 of the Constitution of India apart from being violative of Section 25(F) of the I.D. Act.

Counsel for the Petitioner: Mr. M. Surender Rao

Counsel for Respondent Nos.1, 2,4 & 6: G.P. for Women Development and Child Welfare

Counsel for Respondent Nos. 3 & 5: MR.K.RAMANUJA CHARI

(5) W.P.NO : 12519 of 1998

Between:

K. Rama Chandra Rao, S/o. Seetaramaiah

Working as Store Keeper Training cum Production Centre, Andhra Pradesh Vikalangula Cooperative Corporation,

Gajapathi Nagaram, Vizianagaram District.

..... PETITIONER

AND

1. The Commissioner of Labour Andhra Pradesh T. Anjaiah Bhavan, RTC Cross Roads, Hyderabad.

2. The Andhra Pradesh Vikalangula Cooperative Corporation rep. by its Managing Director B.R.K.R. Building, Tankbund Road, Hyderabad.

3. The Government of Andhra Pradesh rep. by its Secretary to Government, Women's Development and Child Welfare (WH) Department, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of a writ of Mandamus declaring the G.O.Ms.No.9 Women's Development and Child Welfare (WH) Department dated 29.1.1998 issued by the 3rd respondent as arbitrary, illegal, without jurisdiction and in violation of Articles 14, 16, 21, and in violation of the Principles of Natural Justice and in violation of the provisions of Andhra Pradesh Cooperative Societies Act and to issue a consequential direction to the respondents not to terminate the services of the petitioner.

Counsel for the Petitioner: MR.SUBBA RAO KORRAPATI

Counsel for Respondent No.2: Mr.K.RAMANUJA CHARI

Counsel for Respondents 1 and 3: The Govt.Pleader for Women Development and Child Welfare

(6) W.P.NO : 12858 of 1998

Between:

B. Muni Raja, S/o. Kuppaiah,

Junior Assistant, T.C.P.C., APVCC,

Bakkannapalem, Visakhapatnam.

..... PETITIONER

AND

1. The Government of Andhra Pradesh rep. by its Secretary to Government, Women's Development and Child Welfare (WH) Department, Secretariat, Hyderabad.

2. The Andhra Pradesh Vikalangula Cooperative Corporation, Venkataramana Apartments, Masab Tank, Hyderabad. rep. by its Managing Director

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of a writ of Mandamus declaring the G.O.Ms.No.9 Women's Development and Child Welfare (WH) Department dated 29.1.1998 and further action of the 2nd respondent proposing to retrench the petitioner as arbitrary, illegal, unjust and violative of Fundamental Rights of the petitioner guaranteed under Articles 14,16 and 21 of the Constitution of India and set aside the same.

Counsel for the Petitioner: Mr. V. Sudhakar Reddy

Counsel for Respondent No.1: The Govt. Pleader for Women Development and Child Welfare

Counsel for Respondent No.2: Mr.K.RAMANUJA CHARI

(7) W.P.NO : 13204 of 1998

Between:

1. T. Hanumantha Rao, S/o. Mukunda Rao, Typist
2. Ch. Venkata Durga Prasad, S/o. Chandramouleswara Rao, Jr. Assitant,

(Both are working in the office of the District Manager, A.P. Vikalangula Coop. Corporation, Eluru, W.G. Dist.)

..... PETITIONERS

AND

1. The Government of Andhra Pradesh rep. by its Secretary to Government, Women Development and Child Welfare (WH) Department, Secretariat, Hyderabad.
2. The Andhra Pradesh Vikalangula Cooperative Corporation, B.R.K.R. Building, Saifabad, Hyderabad. rep. by its Managing Director.
3. The Joint Collector/Executive Director, A.P. Vikalangula Coop. Corporation, Eluru, W.G. District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the G.O.Ms.No.9 Women's Development and Child Welfare (WH) Department dated 29.1.1998 and further action of the respondents in

proposing to retrench the petitioners as arbitrary, illegal, unjust and violative of Fundamental Rights of the petitioners guaranteed under Articles 14,16 and 21 of the Constitution of India and set aside the same.

Counsel for the Petitioners: Mr. V. Sudhakar Reddy

Counsel for Respondents 1&3: The Govt. Pleader for Women's Development and Child Welfare

Counsel for Respondent No. 2: Mr.K.RAMANUJA CHARI

(8) W.P.NO : 7244 of 1998

Between:

1. R. Balaramu Naidu S/o. Suryanarayana Working as Helper (Technical) in Training cum Production Centre, of Andhra Pradesh Vikalangula Cooperative Corporation, Bakkannapalem Visakhapatnam.

2. V. Appa Rao S/o. Thavitayya, Working as Helper (Technical) in Training cum Production Centre of Andhra Pradesh Vikalanugla Cooperative Corporation, Bakkannapalem, Visakhapatnam.

3. V. Madhusudhana Rao S/o. Kasiviswanadham working as Helper (Technical) in Training cum Production Centre of Andhra Predesh Vikalangula Cooperative Corporation, Gajapathi Nagaram, Vizainagaram District.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh rep. by its Secretary to Government, Women Development and Child Welfare (WH) Department, Secretariat, Hyderabad.

2. The Andhra Pradesh Vikalangula Cooperative Corporation, rep. by its Managing Director B.R.K.R. Building, Near Tankbund, Hyderabad.

3. The Commissioner of Labour, Andhra Pradesh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction particularly in the nature of a writ of Mandamus declaring the G.O.Ms.No.9, 29.1.1998 issued by the first respondent and the consequential notices issued by the 2nd respondent under Section 25-N of Industrial Disputes Act, 1947, as arbitrary illegal, without jurisdiction opposed to public policy and in violation of the Industrial Disputes Act and in violation of Articles 14, 16, 19(A), 39(a) 41 and 43 of the constitution of India and to issue a consequential direction to the respondents to continue the petitioners in the 2nd respondent's corporation.

Counsel for the Petitioners: Mr. Subba Rao Korrapati

Counsel for Respondent Nos. 1 and 3: G.P. for Women's Development and Child Welfare

Counsel for Respondent No. 2: Mr.K.RAMANUJA CHARI

Court made the following:

ORAL COMMON ORDER:

The cause in the Writ Petitions has become infructuous since G.O.Ms.No.9, Women Development and Child Welfare (WH) Department, dated: 29.1.1998 was superseded by issuance of G.O.Ms.No.28, dated: 6.10.2000. Hence, the Writ Petitions are dismissed as having become infructuous. No costs.

C.V.RAMULU, J.

13.10.2004.

VR.

To

1. The Secretary, The Women's Development and Child Welfare (WH) Department, The Government of A.P., Secretariat, Hyderabad.
2. The Commissioner of Labour, A.P., Chikkadpally, Hyderabad.
3. The Managing Director, Andhra Pradesh Vikalangula Cooperative Corporation, BRKR Bhawan (Ground Floor), Secretariat Road,

Hyderabad.

4. The Director of Welfare of Handicapped, Hyderabad.

5. The District Manager, A.P. Vikalangula Cooperative

Corporation, Anantapur.

6. Project Officer, Training-cum-Production Centre, Ananthapur, Ananthapur District.

7. The Joint Collector/Executive Director, A.P.Vikalangula

Cooperative Corporation, Eluru, West Godavari District.

8. Two CCs to Govt. Pleader for Women's Development and

Child Welfare, High Court Buildings, Hyderabad (OUT).

9. The Managing Director, The Andhra Pradesh Vikalangula

Cooperative Corporation, Venkataramana Apartments,

Masab Tank, Hyderabad.

10.The Commissioner of Labour, Andhra Pradesh, T.Anjaiah

Bhavan, R.T.C. Cross Roads, Hyderabad.

11.2 CD copies.